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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,640	03/17/2004	Jarko Niemenmaa	59643.00402	1689

32294 7590 04/24/2007  
SQUIRE, SANDERS & DEMPSEY L.L.P.  
14TH FLOOR  
8000 TOWERS CRESCENT  
TYSONS CORNER, VA 22182

EXAMINER
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D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/801,640

Applicant(s)

NIEMENMAA ET AL.

Examiner

Stephen M. D'Agosta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 5-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 5-22 is/are allowed.
- 6) ☒ Claim(s) 23-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's RCE submission filed on 3-7-2007 has been entered.

- A new rejection is found below addressing the claim amendments.
- Claims 1 and 5-22 stand allowed.
- Claims 23-30 stand rejected as put forth below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 23-30** rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes US 6,225,944 and further in view of Akhtar et al. US 6,769,000.

As per **claims 23, 25 and 28-29**, Hayes teaches a node/gateway/user equipment for providing location information (title, abstract), the method comprising:

signaling a request for a connection between user equipment and another party  
AND analyzing the requested connection; detecting whether location information is

required in association with the requested connection AND activating a process for determining information about a location of the user equipment; (C1, L15 to C2, L20 teaches FCC-mandated E-911 which requires an emergency call to be analyzed, a user's location to be determined and location information to be transmitted to a PSAP. The examiner notes that the voice call will also transfer voice/data from/to and to/from the user/PSAP);

communicating first location service information used in determining information about the location of the user equipment on a control plane between the user equipment and the communication system (C4, L3-20 teaches the MSC functionality being accomplished in a UMTS server and implemented in a control plane. Further to this point, the user begins the process by using the Control Plane to invoke a call connection to request it's location, see C5, L34-58 which discloses transmitting this control data inherently on the control channel); and

communicating second location service information used in determining information about the location of the user equipment on a user plane between the user equipment and the communication system (C4, L3-20 teaches the control plane being separate from the user plane and said user plane carrying voice channel communications. Hence "control messages" will be supported by the control plane while "voice communications" will be supported by the user plane. Furthermore, any call setup/management functions will be supported by the control plane while actual voice/data will flow through the user plane – which reads on the claim. The actual location data is transmitted between the user and PSAP on the user plane per figure 1);

wherein the location information is provided in the communication system (see figure 1 whereby the data transmissions are supported by the communication system control and user planes).

Furthermore, **for claims 23, 25 and 28**, Hayes teaches a communications system, a controller and connection means (see figure 1, which shows the system and connection means while figure 2 shows the processor/controller). A transceiver is also shown in figure 2, #114). For **CLAIMS 25/28**, a node/gateway can be interpreted as the MSC in figure 1, #140, a router/device in the network, #150 and/or the PSAP, #160.

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Furthermore, **for claim 29**, Hayes teaches a device (figure 2) with processor, location means and transceiver. The processor determines if the dialed digits pertain to an E-911 call, whereby location services are supported via the GPS receiver onboard.

Hayes **is silent on** wherein the location of the user equipment is determined by the user equipment and wherein the user equipment is configured to communicate information about the determined location on the control plane.

***With further regard to claims 23 and 29***, Akhtar teaches location information being communicated on the control plane:

"..Security is applicable to the control plane, data plane, and management plane of the IPM Architecture. Within the architecture, security is preferably provided to control plane messages, including registration messages, authentication messages, location update messages, and the like. Depending on the application and the policies defined, security is preferably provided at different levels in the data plane". (C22, L53-60)

***With further regard to claims 25 and 28***, Ahktar teaches control plane messages which flow between network nodes to perform various operations, including registration, authentication and location update messages (which reads on a node providing location information). The examiner also notes that the location information can flow between "networks" (eg. home or visited or foreign) and require gateway support and/or translation.

It would have been obvious to one skilled in the art at the time of the invention to modify Hayes, such that the location of the user equipment is determined by the user equipment and wherein the user equipment is configured to communicate information about the determined location on the control plane, to provide means for using the control channel to send various network messages, such as registration, authentication and location updates.

As per **claim 24**, Hayes teaches claim 23, wherein the user equipment is configured to detect if location information is required in association with a connection (C1, L15 to C2, L20 teaches E-911 and location services).

As per **claim 26**, Hayes teaches claim 25, wherein the controller node comprises a location service server connected to the communication system (figure 1, PSAP).

As per **claim 27**, Hayes teaches claim 25, wherein the controller node comprises a gateway (the MSC provides a gateway to the network, #150 in figure 1).

As per **claim 30**, Hayes teaches claim 29, wherein the user equipment is configured to detect if location information is required in association with a connection (figure 3 and C1, L15 to C2, L20).

***Allowable Subject Matter***

Claims 1 and 5-22 were previously allowed.

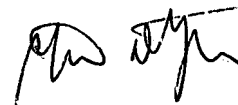
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVE M. D'AGOSTA  
PRIMARY EXAMINER



3-14-07